

Assembly Bill No. 49

CHAPTER 147

An act to repeal Section 44265.7 of, and to repeal and add Sections 44265.8 and 44265.9 of, the Education Code, relating to teacher credentialing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 2006. Filed with
Secretary of State August 23, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 49, Benoit. Teacher credentialing: CBEST: exemption.

(1) Existing law requires the Commission on Teacher Credentialing to issue a 2-year nonrenewable preliminary specialist instruction credential, solely for the purpose of instructing deaf or hearing-impaired pupils, to any prelingually deaf candidate, as defined, if the candidate meets certain minimum requirements for the credential. The credential is limited to teaching pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

Existing law requires the commission to issue a 2-year services credential with a specialization in pupil personnel services, solely for the purpose of providing services as a school counselor, school psychologist, or school social worker for deaf and hearing-impaired pupils, to any prelingually deaf candidate, as defined, if the candidate meets specified minimum requirements. Existing law limits the holder of the credential to providing these services at all grade levels to pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

This bill, instead, would require the commission, upon the recommendation of a preliminary credential preparation program sponsor, approved by the commission, to issue a 2-year preliminary teaching credential or preliminary services credential to a candidate who is prelingually deaf and meets all of the requirements in law for the full, pertinent 5-year teaching or services credential, except that the candidate would be exempted from compliance with certain state basic skills proficiency testing requirements. The bill would limit the holder of the credential to teaching or providing services to deaf and hearing-impaired pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

The bill would require the commission to develop criteria to verify the proficiency of persons credentialed under the bill. The bill would require the employing school district, county office of education, or state special school to appoint a 3-person panel, as specified, to verify the proficiency

of holders of these credentials using the criteria the commission develops. The bill thereby would establish a state-mandated local program by imposing new requirements on school districts and county offices of education. The bill would require the commission, upon the employing local or state education entity's verification of proficiency, to issue a teaching credential for the remainder of the preliminary period and limited to the instruction of deaf and hearing-impaired pupils enrolled in state special schools or in special classes, or a services credential for the remainder of the preliminary period, limited to the provision of services to deaf and hearing-impaired pupils enrolled in state special schools or in special classes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 44265.7 of the Education Code is repealed.

SEC. 2. Section 44265.8 of the Education Code is repealed.

SEC. 3. Section 44265.8 is added to the Education Code, to read:

44265.8. (a) Upon the recommendation of a preliminary credential preparation program sponsor approved by the Commission on Teacher Credentialing, the commission shall issue a two-year nonrenewable preliminary teaching credential or preliminary services credential to a candidate who is prelingually deaf and meets all of the requirements in law for the full, pertinent five-year teaching or services credential pursuant to paragraph (2) of subdivision (a) of Section 44251, except that the candidate is exempt from compliance with the state basic skills proficiency testing requirements in Section 44252 and subdivision (b) of Section 44830.

(b) A credential issued under this section authorizes the holder to teach or provide services, as authorized by the credential, only to deaf and hearing-impaired pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

(c) For purposes of this section "prelingually deaf" means a person who suffered hearing loss prior to three years of age, which prevents the processing of linguistic information through hearing, with or without amplification, if the condition is verified through medical or other appropriate professional means.

SEC. 4. Section 44265.9 of the Education Code is repealed.

SEC. 5. Section 44265.9 is added to the Education Code, to read:

44265.9. (a) The Commission on Teacher Credentialing shall develop criteria to verify the proficiency of any holder of a credential issued under Section 44265.8 in performing the essential functions of his or her position.

(b) The school district, county office of education, or state special school that employs a holder of a credential issued under Section 44265.8 shall appoint a three-person panel to verify proficiency using the criteria the commission develops for this purpose. The panel shall report its findings to the employing school district, county office of education, or state special school, which may adopt those findings.

(c) The panel appointed pursuant to subdivision (b) shall consist of the following:

(1) A school administrator who is selected by school administrators of the employing school district, county office of education, or state special school.

(2) An individual who is the parent of a deaf or hearing-impaired pupil and who is selected by a school-related parent group.

(3) A teacher or school services provider who holds a credential to teach or service deaf or hearing-impaired pupils and who is selected by teachers at the employing school.

(d) The employing school district, county office of education, or state special school shall ensure that the panel completes the verification of proficiency within two years after the issuance of the credential issued under Section 44265.8.

(e) Upon verification of proficiency, as documented by the employing school district, county office of education, or state special school, the commission shall issue a credential for the remainder of the preliminary period pursuant to paragraph (2) of subdivision (a) of Section 44251 that is limited to providing the instruction authorized by the credential to deaf and hearing-impaired pupils enrolled in state special schools or in special classes, or a services credential for the remainder of the preliminary period that is limited to the provision of services authorized by the credential for deaf and hearing-impaired pupils enrolled in state special schools or in special classes.

(f) Upon meeting the requirements for a professional clear teaching or services credential, the applicant may apply through their commission-approved professional clear program sponsor for a professional clear credential that is limited to providing the instruction or service authorized by the credential to deaf and hearing-impaired pupils enrolled in state special schools or in special classes.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide deaf and hearing-impaired pupils enrolled in state special schools or in special classes for pupils with hearing impairments with the unique talent and understanding that prelingually deaf professionals bring to those pupils, at the earliest possible time, it is necessary that this act take effect immediately.